IN THE CLAIMS

Please cancel Claims 20-32 without prejudice and without disclaimer of subject matter.

Please amend Claims 1, 6, 10, 15, 16, 18 and 19 as follows:

1. (Currently Amended): A surgical device for thermally affecting soft tissue comprising a structure for enveloping and receiving at least a portion of a surgical instrument, wherein the structure ~~is configured to control~~ includes a substantially planar thermal transfer region to transfer thermal energy ~~transfer~~ between the structure and the soft tissue.

2. (Original): The surgical device according to claim 1, further comprising a supply of thermo-conductive fluid in fluid communication with the structure.

3. (Original): The surgical device according to claim 1, further comprising a thermoelectric module in thermal communication with the structure.

4. (Original): The surgical device according to claim 1, further comprising a bundle of thermo-conductive fiber in thermal communication with the structure.

5. (Original): The surgical device according to claim 1, wherein the structure is configured to controllably cool the soft tissue.

6. (Currently Amended): The surgical device according to claim 1, wherein the structure comprises:

a sheath dimensioned to [envelope] envelop an end of the surgical instrument, wherein the sheath includes an open proximal end and a closed distal end defining an interior surface and exterior surface; and

a fluid conduit containing a fluid inlet and a fluid outlet defining a fluid path through the fluid conduit, wherein the fluid conduit is shaped forming [[a]] the thermal transfer region,

wherein the fluid conduit is affixed to the sheath.

7. (Original): The surgical device according to claim 6, wherein the sheath is made from a resilient elastic material.

8. (Original): The surgical device according to claim 7, wherein the fluid conduit is affixed to the exterior surface of the sheath.

9. (Original): The surgical device according to claim 7, wherein the fluid conduit is affixed to the interior surface of the sheath.

10. (Currently Amended): The surgical device according to claim 7, wherein the fluid conduit is integrated ~~into to~~ with the sheath.

11. (Original): The surgical device according to claim 7, wherein the fluid conduit is shaped forming a longitudinal thermal transfer region.

12. (Original): The surgical device according to claim 7, wherein the fluid conduit is shaped forming a horizontal thermal transfer region.

13. (Original): The surgical device according to claim 7, wherein the fluid conduit is shaped forming a spiral thermal transfer region.

14. (Original): The surgical device according to claim 1, wherein the structure comprises:

an adhesive patch including a top surface and a bottom surface; and

a fluid conduit containing a fluid inlet and a fluid outlet defining a fluid path through the fluid conduit, wherein the fluid conduit is shaped forming a thermal transfer region,

wherein the thermal conduit is affixed to the top surface of the adhesive patch.

15. (Currently Amended): The surgical device according to claim ~~1~~ 14, wherein the bottom surface of the adhesive patch comprises an adhesive coating.

16. (Currently Amended): A device for thermally affecting tissue comprising:

a fluid conduit including a fluid inlet and a fluid outlet, wherein the fluid inlet and the fluid outlet define a fluid path through the fluid conduit, the fluid conduit being shaped to form a substantially planar thermal transfer region; and

a means for attaching the fluid conduit to a tissue contacting surface of a medical instrument.

17. (Original): The device for thermally affecting tissue according to claim 16, wherein the means for attaching the fluid conduit is a sheath dimensioned to envelope the tissue contacting surface of the medical instrument.

18. (Currently Amended): The device for thermally affecting tissue according to claim 16, wherein the means for attaching the fluid conduit to the tissue contacting surface of the medical instrument is [[a]] an adhesive patch.

19. (Currently Amended): A surgical device for thermally affecting soft tissue comprising:

a structure for enveloping and receiving at least a portion of a surgical instrument having an open proximal end and a closed distal end defining an interior surface and exterior surface; and

a fluid conduit comprising a fluid inlet and a fluid out let defining a fluid path through the fluid conduit, wherein the fluid conduit is formed into a substantially planar thermal transfer region and is configured to controllably cool ~~the soft tissue~~ the soft tissue,

wherein the fluid conduit is affixed to the exterior surface of the structure.

20-32. CANCEL

Please add new Claims 33-36 as follows:

33. (NEW) A method of thermally affecting an area of cranial tissue, the method comprising:

retracting cranial tissue using a tissue retractor having a thermal transfer region such that the thermal transfer region is in thermal communication with the retracted cranial tissue; and

creating a temperature differential between the cranial tissue and the thermal transfer region, such that thermal energy is transferred between the cranial tissue and the thermal transfer region.

34. (NEW) A method of cooling an area of soft tissue using a surgical instrument coupled to a structure, the structure having a substantially planar thermal transfer region for cooling the area of soft tissue, the method comprising:

performing a medical procedure using the surgical instrument;

placing the thermal transfer region in thermal communication with the area of soft tissue; and

creating a temperature differential between the area of soft tissue and the thermal transfer region such that thermal energy is transferred between the soft tissue area and the thermal transfer region to cool the soft tissue area.

35. (NEW) The method according to Claim 34, wherein the surgical instrument is a retractor and wherein the medical procedure includes retracting the area of soft tissue.

36. (NEW) The method according to Claim 35, wherein the structure includes:

a sheath dimensioned to envelop an end of the surgical instrument, the sheath including an open proximal end and a closed distal end defining an interior surface and exterior surface; and

a fluid conduit affixed to the sheath, the fluid conduit containing a fluid inlet and a fluid outlet defining a fluid path through the fluid conduit, wherein the fluid conduit forms the thermal transfer region.